

By: Representatives Paden, Summers

To: Education;
Appropriations

HOUSE BILL NO. 60

1 AN ACT TO AMEND SECTION 37-28-55, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A CHARTER SCHOOL TO TRANSFER, UPON A STUDENT'S
3 DISENROLLMENT FROM THE CHARTER SCHOOL, TO THE STUDENT'S HOME
4 SCHOOL DISTRICT A PROPORTIONATE AMOUNT OF ADEQUATE EDUCATION
5 PROGRAM FUNDING FOR THE REMAINING MONTHS OF THE SCHOOL YEAR WHICH
6 THE CHILD IS NO LONGER ENROLLED IN THE CHARTER SCHOOL; AND FOR
7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 37-28-55, Mississippi Code of 1972, is
10 amended as follows:

11 37-28-55. (1) (a) The State Department of Education shall
12 make payments to charter schools for each student in average daily
13 attendance at the charter school equal to the state share of the
14 adequate education program payments for each student in average
15 daily attendance at the school district in which the charter
16 school is located. In calculating the local contribution for
17 purposes of determining the state share of the adequate education
18 program payments, the department shall deduct the pro rata local
19 contribution of the school district in which the student resides,
20 to be determined as provided in Section 37-151-7(2) (a).



21 (b) Payments made pursuant to this subsection by the
22 State Department of Education must be made at the same time and in
23 the same manner as adequate education program payments are made to
24 school districts under Sections 37-151-101 and 37-151-103.
25 Amounts payable to a charter school must be determined by the
26 State Department of Education. Amounts payable to a charter
27 school over its charter term must be based on the enrollment
28 projections set forth over the term of the charter contract. Such
29 projections must be reconciled with the average daily attendance
30 using months two (2) and three (3) ADA for the current year for
31 which adequate education program funds are being appropriated and
32 any necessary adjustments must be made to payments during the
33 school's following year of operation.

34 (2) For students attending a charter school located in the
35 school district in which the student resides, the school district
36 in which a charter school is located shall pay directly to the
37 charter school an amount for each student enrolled in the charter
38 school equal to the ad valorem tax receipts and in-lieu payments
39 received per pupil for the support of the local school district in
40 which the student resides. The pro rata ad valorem receipts and
41 in-lieu receipts to be transferred to the charter school shall
42 include all levies for the support of the local school district
43 under Sections 37-57-1 (local contribution to the adequate
44 education program) and 37-57-105 (school district operational
45 levy) and may not include any taxes levied for the retirement of



46 the local school district's bonded indebtedness or short-term
47 notes or any taxes levied for the support of vocational-technical
48 education programs. The amount of funds payable to the charter
49 school by the school district must be based on the previous year's
50 enrollment data and ad valorem receipts and in-lieu receipts of
51 the local school district in which the student resides. The pro
52 rata amount must be calculated by dividing the local school
53 district's months one (1) through nine (9) average daily
54 membership into the total amount of ad valorem receipts and
55 in-lieu receipts, as reported to the State Department of Education
56 by the local school district. The local school district shall pay
57 an amount equal to this pro rata amount multiplied by the number
58 of students enrolled in the charter school, based on the charter
59 school's end of first month enrollment for the current school
60 year. The amount must be paid by the school district to the
61 charter school before January 16 of the current fiscal year. If
62 the local school district does not pay the required amount to the
63 charter school before January 16, the State Department of
64 Education shall reduce the local school district's January
65 transfer of Mississippi Adequate Education Program funds by the
66 amount owed to the charter school and shall redirect that amount
67 to the charter school. Any such payments made under this
68 subsection (2) by the State Department of Education to a charter
69 school must be made at the same time and in the same manner as



70 adequate education program payments are made to school districts
71 under Sections 37-151-101 and 37-151-103.

72 (3) For students attending a charter school located in a
73 school district in which the student does not reside, the State
74 Department of Education shall pay to the charter school in which
75 the student is enrolled an amount as follows: the pro rata ad
76 valorem receipts and in-lieu payments per pupil for the support of
77 the local school district in which the student resides under
78 Sections 37-57-1 (local contribution to the adequate education
79 program) and 37-57-105 (school district operational levy),
80 however, not including any taxes levied for the retirement of the
81 local school district's bonded indebtedness or short-term notes or
82 any taxes levied for the support of vocational-technical education
83 programs. The amount of funds payable to the charter school by
84 the school district must be based on the previous year's
85 enrollment data and ad valorem receipts and in-lieu receipts of
86 the local school district in which the student resides. The pro
87 rata amount must be calculated by dividing the local school
88 district's months one (1) through nine (9) average daily
89 membership into the total amount of ad valorem receipts and
90 in-lieu receipts, as reported to the State Department of Education
91 by the transferor local school district. The payable amount shall
92 be equal to this pro rata amount multiplied by the number of
93 students enrolled in the charter school, based on the charter
94 school's end of first month enrollment for the current school



95 year. The State Department of Education shall reduce the school
96 district's January transfer of Mississippi Adequate Education
97 Program funds by the amount owed to the charter school and shall
98 redirect that amount to the charter school. Any such payments
99 made under this subsection (3) by the State Department of
100 Education to a charter school must be made at the same time and in
101 the same manner as adequate education program payments are made to
102 school districts under Sections 37-151-101 and 37-151-103.

103 (4) (a) The State Department of Education shall direct the
104 proportionate share of monies generated under federal and state
105 categorical aid programs, including special education, vocational,
106 gifted and alternative school programs, to charter schools serving
107 students eligible for such aid. The department shall ensure that
108 charter schools with rapidly expanding enrollments are treated
109 equitably in the calculation and disbursement of all federal and
110 state categorical aid program dollars. Each charter school that
111 serves students who may be eligible to receive services provided
112 through such programs shall comply with all reporting requirements
113 to receive the aid.

114 (b) A charter school shall pay to a local school
115 district any federal or state aid attributable to a student with a
116 disability attending the charter school in proportion to the level
117 of services for that student which the local school district
118 provides directly or indirectly.



119 (c) Subject to the approval of the authorizer, a
120 charter school and a local school district may negotiate and enter
121 into a contract for the provision of and payment for special
122 education services, including, but not necessarily limited to, a
123 reasonable reserve not to exceed five percent (5%) of the local
124 school district's total budget for providing special education
125 services. The reserve may be used by the local school district
126 only to offset excess costs of providing services to students with
127 disabilities enrolled in the charter school.

128 (5) (a) The State Department of Education shall disburse
129 state transportation funding to a charter school on the same basis
130 and in the same manner as it is paid to school districts under the
131 adequate education program.

132 (b) A charter school may enter into a contract with a
133 school district or private provider to provide transportation to
134 the school's students.

135 (6) If, for any reason, a student attending a charter school
136 disenrolls from the charter school after month three (3) of the
137 current school year and subsequently enrolls in the school
138 district in which the child resides, the charter school must pay
139 to the school district an amount equal to that school district's
140 pro rata share of adequate education program funding transferred
141 or due to the charter school under subsections (1) and (2) or (3),
142 less a proportionate amount for those months the student was
143 enrolled in the charter school.



144 **SECTION 2.** This act shall take effect and be in force from
145 and after July 1, 2023.

